

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-00017-RJC**

DANIELLE CAROL METZGER,)
)
)
Plaintiff,)
)
)
vs.)
)
)
COMMISSIONER OF SOCIAL)
SECURITY,)
)
Defendant.)
)
_____)

ORDER

THIS MATTER comes before the Court on Plaintiff's "Motion to Dismiss Civil Action Pursuant to Rule 41(a)(2) Federal Rules of Civil Procedure" (the "Motion"). (Doc. No. 11). Plaintiff's Motion moves this Court to dismiss her civil action, with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. Plaintiff has voluntarily concluded that "her claim will be better presented through a new application, with updated medical records, as the medical evidence in this administrative record will not support reversal of the adverse decision by the Administrative Law Judge below." (Doc. No.11 at 1). Plaintiff has consulted with counsel for Defendant who consents to the Motion. (*Id.* at 2). Unless ordered otherwise, voluntary dismissal under Rule 41(a)(2) is without prejudice. Fed. R. Civ. P. 41(a)(2). However, Plaintiff's Motion requests the Court dismissal the case with prejudice. (Doc. No. 11). Therefore, pursuant to Rule 41(a)(2), the Court will dismiss Plaintiff's action with prejudice.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Dismiss with Prejudice, (Doc. No. 11), is **GRANTED**;
2. The Clerk of Court is directed to close this case.

Signed: November 23, 2021



Robert J. Conrad, Jr.
United States District Judge

